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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 United States of America, ) No. CR 08-01350-PHX-FJM  
10 )  
11 Plaintiff, ) FINDINGS AND RECOMMENDATION  
12 vs. ) OF THE MAGISTRATE JUDGE  
13 ) UPON AN ADMISSION AND ORDER  
14 Peter Stuart Lebsock, )  
15 )  
16 Defendant. )  
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TO THE HONORABLE FREDERICK J. MARTONE, UNITED STATES DISTRICT JUDGE:

Upon Defendant's request to enter an admission to the violation(s) of supervised release pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, this matter was referred by the District Court and came on for a hearing before United States Magistrate Judge Steven P. Logan on March 16, 2012, with the written consents of the Defendant, counsel for the Defendant, and counsel for the United States of America.

In consideration of that hearing and the statements made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney and of counsel for Defendant,

**I FIND** as follows:

- (1) that the Defendant is competent to admit the violation(s);
- (2) that the Defendant understands the right to an evidentiary hearing and has knowingly and voluntarily waived the right to that hearing;

1 (3) that the Defendant understands the sentencing options the Court may impose  
2 as a result of the admission;

3 (4) that the Defendant understands the nature of the allegations;

4 (5) that the Defendant has admitted to having committed the violation(s) of  
5 supervised release as alleged in the petition(s);

6 (6) that there is a factual basis for the Defendant's admission;

7 (7) that the Defendant is satisfied with counsel's representation; and

8 (8) that the admission by Defendant has been knowingly and voluntarily made  
9 and is not the result of force or threats or of promises between the parties.

10 **I RECOMMEND** that the Court accept the Defendant's admission of the  
11 violation(s) of supervised release.

12 **ORDER**

13 **IT IS ORDERED** that any objection to the admission to a violation of supervised  
14 release proceedings and any request for supplementation of those proceedings be made  
15 by the parties in writing and shall be specific as to the objection or request made. All  
16 objections or requests for supplementation shall be filed within fourteen (14) days of the  
17 date of service of a copy of these findings unless extended by an Order of the assigned  
18 District Judge.

19 **IT IS FURTHER ORDERED** that any letters, documents, or other matters  
20 Defendant would like the sentencing District Judge to consider before sentencing  
21 (including the English translation of any writings not in English) must be submitted in  
22 paper form with the original to the probation office and copies to the sentencing District  
23 Judge and opposing counsel no later than seven (7) business days prior to the sentencing  
24 date or they may be deemed untimely by the sentencing District Judge and not  
25 considered.

26 **IT IS FURTHER ORDERED** that any motions for upward or downward  
27 departures or any sentencing memoranda must be filed at least seven (7) business days  
28 prior to the sentencing date. Responses are due three (3) business days prior to the

1 sentencing date. Any motion to continue sentencing must be filed promptly upon  
2 discovery of the cause for continuance and must state the cause with specificity. Motions  
3 to continue sentencing filed less than fourteen (14) days before sentencing are disfavored.  
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5 Dated this 19th day of March, 2012.  
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8 A handwritten signature in black ink, appearing to read "S.P. Logan", is written over a horizontal line.

9 Steven P. Logan  
10 United States Magistrate Judge  
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